

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

BOYD SMITH, NANCY SMITH,)
JOEY SMITH, JEFFREY SMITH,)
JILL SMITH, BESSIE HACKNEY,)
WILLIAM GRAY, PEGGY GRAY,)
and GREGORY HOUSTON,)

Plaintiffs,)

v.)

FIRST CENTURY BANK,)
CONNIE DYER, SHERI LAWSON,)
and DELORIS GRAVES,)

Defendants.)

No. 3:04-CV-591
(JARVIS/GUYTON)

Consolidated

ERNEST NICELY and)
PATRICIA NICELY,)

Plaintiffs,)

v.)

FIRST CENTURY BANK,)
CONNIE DYER, SHERI LAWSON,)
and DELORIS GRAVES,)

Defendants.)

No. 3:05-CV-175

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to the provisions of 28 U.S.C. §636(b), the Rules of this Court, and by Order [Doc. 156, 167] of the Honorable James H. Jarvis, United States District Judge, for disposition of several non-dispositive pretrial motions [Docs. 148, 149, 154, 155, 166]. The Court held a hearing on these motions on August 18, 2006. Participating on

behalf of the plaintiffs was attorney Adrienne L. Anderson. Participating on behalf of the defendants were attorneys M. Edward Owens, Jr., Christopher W. Conner, and Kevin Fox.

I. Defendant First Century Bank's Motion to Extend Pretrial Deadlines and to Continue Trial Date

The defendant First Century Bank ("FCB") filed a motion to extend pretrial deadlines and to continue trial date. [Doc. 148]. Defendant Sheri Lawson joined defendant FCB's motion. [Doc. 154]. For good cause shown, the defendants' Motions to Extend Pretrial Deadlines and to Continue Trial Date [Docs. 148 and 154] are **GRANTED**. The trial of the matter is continued until January 17, 2007. The deadlines for motion practice and other pre-trial matters set forth in the Scheduling Order [Doc. 23] filed on February 15, 2005 shall be applicable to this new trial date.

II. Defendant First Century Bank's Motion to Take More Than Ten Depositions and to Take an Additional Deposition of Plaintiff Ernest Nicely

The defendant FCB filed a motion to take more than ten depositions and to take an additional deposition of plaintiff Ernest Nicely. [Doc. 149]. Defendant Sheri Lawson joined defendant FCB's motion. [Doc. 155]. All parties agreed that each side should be allowed to take up to thirty (30) depositions in this case. In addition, all parties agreed that an additional deposition of plaintiff Ernest Nicely should be allowed, so long as Mr. Nicely's medical condition is taken into consideration during the scheduling and execution of the deposition. For good cause shown, the defendants' Motions to Take More Than Ten Depositions and to Take an Additional Deposition of Plaintiff Ernest Nicely [Docs. 149 and 155] are **GRANTED**. Each side shall be allowed to take up to thirty (30) depositions, and an additional deposition of plaintiff Ernest Nicely shall be allowed.

III. Plaintiffs' Motion for Extension of Time to Disclose Expert Testimony

The plaintiffs filed a motion to extend the time allowed for disclosure of expert testimony. In light of the continuance of this case, and the subsequent alteration of the deadline for disclosure of expert testimony, the plaintiffs' Motion for Extension of Time to Disclose Expert Testimony [Doc.166] is **DENIED AS MOOT**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge